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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the Plurinational State of Bolivia*

A. Purpose and general obligations (arts. 1-4)

1. Please provide information on the implementation of strategies to harmonize national legislation, including the Constitution, with the Convention, and to remove derogatory terms from legislation.

2. Please explain the criteria for classifying and certifying disabilities and the criteria used under the Single National Registration System for Persons with Disabilities. Please also explain whether registration processes are accessible for all types of support that registered persons with disabilities are entitled to.

3. Please supply information on processes for consulting with organizations of persons with disabilities on the adoption of legislation and policies related to those processes.

B. Specific rights

Equality and non-discrimination (art. 5)

4. Please provide information on the steps taken to recognize the denial of reasonable accommodation as a form of discrimination against persons with disabilities and on measures taken to combat multiple and intersectional discrimination. Please also provide information on complaints mechanisms and on the number of recorded cases of discrimination on the basis of disability.

Women with disabilities (art. 6)

5. Please supply information on the inclusion of women with disabilities in strategies to promote equal opportunities for men and women, and to prevent and combat gender-based violence.

* Adopted by the Committee at its fifteenth session (29 March-21 April 2016).

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Children with disabilities (art. 7)

6. Please describe how a specific approach focusing on children with disabilities has been incorporated in the new framework of the Code for Children and Adolescents (Act No. 548 of 2014) and how organizations representing children with disabilities are involved in relevant discussions. Please provide information on measures to prevent the abuse and/or abandonment of children with disabilities in families living in poverty.

Accessibility (art. 9)

7. Please supply information on the development and implementation of plans to ensure the accessibility of transportation, infrastructure, information and communications, with time frames and with penalties for non-compliance, throughout the country, in both urban and rural areas, and on whether such plans are drawn up in consultation with organizations of persons with disabilities.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on plans to formulate and implement a disaster risk reduction strategy that is inclusive of persons with disabilities and that involves organizations representing them.

Equal recognition before the law (art. 12)

9. Please report on plans to repeal regimes that limit or remove legal capacity, such as legal interdiction, and to establish supported decision-making models that respect the will and preferences of the persons affected.

Access to justice (art. 13)

10. Please provide information on the procedural accommodations and reasonable accommodations that have been made to ensure that persons with disabilities have effective access to justice and the capacity to act in all areas of the justice system.

Liberty and security of the person (art. 14) and freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

11. Please state how many persons with disabilities involved in the commission of an offence and declared not criminally responsible are being held in psychiatric detention centres or in places of deprivation of liberty (prisons).

12. Please supply information on psychiatric institutions and homes where persons with disabilities live for long periods or indefinitely, stating the number of persons who are institutionalized, the types of impairment and their sex and age. Please also indicate whether there is an independent mechanism to monitor the human rights situations of persons with disabilities who are institutionalized.

Freedom from exploitation, violence and abuse (art. 16)

13. Please describe the measures taken to combat violence against, and the exploitation and abuse of, persons with disabilities, in particular women and children, including exploitation for the purpose of begging and violence in institutional settings. How many shelters offering temporary protection to victims of violence are accessible?

Protecting the integrity of the person (art. 17)

14. Please provide information on the sterilization of persons with disabilities and on whether they are able to give their free consent. Please also provide statistics, disaggregated

by sex, age and type of impairment, on the number of persons with disabilities who have been sterilized without their free and informed consent in the last year.

Liberty of movement and nationality (art. 18)

15. Please report on the steps taken to guarantee that all newborns with disabilities have the right to a name, particularly in rural and remote areas, and on measures to ensure that all persons with disabilities have identity documents.

Living independently and being included in the community (art. 19)

16. Please provide information on the community support services in place to help persons with disabilities live independently and be included in the community. Please also state how much public funding is allocated to the services.

Freedom of expression and opinion, and access to information (art. 21)

17. Please indicate what measures have been adopted to recognize Bolivian sign language as an official language in the State party.

Respect for the home and the family (art. 23)

18. Please provide information on the measures that are being implemented to remove the legal restrictions in the Family Code that prevent persons who are deemed "incapable" from getting married.

Education (art. 24)

19. Please provide statistics on the number of children with disabilities who are enrolled in school, disaggregated by level of education, age, sex, type of impairment and type of education (special or ordinary).

Health (art. 25)

20. Please supply information on access by persons with disabilities, including the availability of Bolivian sign language interpreters and of information in Braille, to health centres and sexual and reproductive health services nationwide.

21. Please provide information on the measures taken to ensure universal coverage for persons with disabilities under Act No. 475 on Health Service Provision. Please also supply information on the adoption of the Mental Health Act and on the institutions involved in its implementation.

Work and employment (art. 27)

22. Please supply information on complaints mechanisms for violations of the labour rights of persons with disabilities, such as discrimination in selection and recruitment processes, unfair dismissals, inadequate or lower pay and the denial of reasonable accommodation.

Adequate standard of living and social protection (art. 28)

23. Please explain what measures are being taken to include persons with disabilities in poverty reduction strategies. Please also describe steps to provide persons with disabilities, particularly indigenous persons and those living in rural and remote areas, with financial support in order to mitigate the potential economic impact of disability-related costs on the poorest families.

24. Please report on measures to include indigenous persons with disabilities, particularly those living in rural and remote areas, in policies to promote social inclusion and access to basic services.

Participation in political and public life (art. 29)

25. Please report on the accessibility of information and communications during elections, and in relation to voting procedures, materials, technology and infrastructure.

C. Specific obligations

Statistics and data collection (art. 31)

26. Please update the data and statistics on persons with disabilities that were collected during the most recent census, in 2012.

National implementation and monitoring (art. 33)

27. Please provide information on plans for the prompt designation of the government body responsible for monitoring compliance with the Convention, and of an independent monitoring mechanism in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please describe how organizations of persons with disabilities will participate in the designation and operation of both entities.